

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

4:24-CV-0648

United States District Court		District	MIDDLE
Name (under which you were convicted): Andre Brown		Docket or Case No.: CR-22-CR-1403-2023	
Place of Confinement: DAUPHIN COUNTY PRISON		Prisoner No.: 102615	
Petitioner (include the name under which you were convicted) Andre Brown		Respondent (authorized person having custody of petitioner) GREGORY BRINGS WARDEN DAUPHIN COUNTY PRISON	
The Attorney General of the State of Pennsylvania			

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: PRETRIAL
CHALLENGE OF RIGHT TO SPEEDY TRIAL
DAUPHIN COUNTY PA. *RULE 600 DENIED BY OPERATION OF LAW
- (b) Criminal docket or case number (if you know): CR-22-CR-1403-2023
- (a) Date of the judgment of conviction (if you know): NA
- (b) Date of sentencing: NA
- Length of sentence: NA
- In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
- Identify all crimes of which you were convicted and sentenced in this case: THIS IS PRETRIAL
MOTION FOR SPEEDY TRIAL THAT WAS
DENIED BY NO OPERATION OF CAW. RULE
600 MODIFICATION FILED DECEMBER 4TH 2023,
DENIED AFTER 120 DAYS BY OPERATION OF CAW
- (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

FILED
SCRANTON

APR 12 2024

PER AM
DEPUTY CLERK

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? NOT GUILTY TO ALL

RE QUESTING BAIL AFTER 365 DAYS
PAGE AND STILL IN CARCERATED I DID
NOT GIVE ANY PERMISSION TO WAIVE RULE
606 AND MODIFICATION MOTION FILED DEC
4TH 2023 DENIED BY THE OPERATION OF LAW

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐

Judge only ☐

NONE YET

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☒ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court: NO

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: NO

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: Dauphin County Court of Common Pleas
 (2) Docket or case number (if you know): CP 22 CR 1703 2023
 (3) Date of filing (if you know): SEVERAL DEC 4TH 2023
 (4) Nature of the proceeding: Rule 60B BALL MODIFICATION
 (5) Grounds raised: PREP BY TRIAL

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: DENIED BY OPERATION OF LAW (120 DAYS)

(8) Date of result (if you know): NO RESPONSE

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: DAUPHIN COUNTY COURT OF COMMON PLEAS
 (2) Docket or case number (if you know): CP 22 CR 1703 2023
 (3) Date of filing (if you know): IN OR ABOUT MARCH 11TH 2024
 (4) Nature of the proceeding: IN FORMA PATRIUS MOTIONS FOR DISCOVERY
 (5) Grounds raised: NO MOTIONS FILED BY FORCED DAUPHIN COUNTY PUBLIC DEFENDER SARAH MALEK FOR DISCOVERY IN RULE 60B FOR MYSELF SUB JUDIS COUNSEL WAS INEPT AND ABSENT REGARDING ANY PREPARATION FOR MY OFFENSE AS REQUESTED AND NEVER WAS GIVEN PERMISSION TO FILE ANY RULE 60B MOTIONS * (DISCIPLINARY ACTION FILED)

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result:

~~NO~~ NO RESPONSE

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court:

NA

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: I HAVE BEEN INCARCERATED SINCE MARCH 10TH 2023 AND HAVE A RIGHT TO NOMINAL BAIL

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DENIED COUNSEL HAS MEET AND MATURED RIGHTS WITHOUT WRITTEN PERMISSION TO RULE 600 REFUSED TO FILE DISCOVERY MOTIONS ON MY BEHALF WAS ABSENT IN ANY FASHION REFUSED TO PREPARE OR ASSESS FILE ANY DEFENSE MOTIONS. AT RA STATE DISCIPLINARY ACTION PENDING

- (b) If you did not exhaust your state remedies on Ground One, explain why: REQUEST DENIED BY OPERATION OF LAW AFTER 120 DAYS ELAPSED SINCE DECEMBER 4TH 2023 FILING OF BAIL MODIFICATION

- (c) **Direct Appeal of Ground One:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

- (2) If you did not raise this issue in your direct appeal, explain why: _____

- (d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: COMPLAINT TO AL DISCIPLINARY

BOARD AGAINST ATTORNEY AND FIRED JUDGE REFUSES
TO GIVE ME NEW COUNSEL I WANTZ AND
NOT ANSWERING ANY PETITIONS IF FILE

GROUND TWO: NA

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: _____

GROUND THREE: NA

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☒

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: NOT ADEQUATE REMEDY AT

THIS POINT WILL BE FORCED TO
WAIT ANOTHER 6 MONTH WAITING FOR
AN ANSWER A REMAINING LIBERTY INTEREST

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☒ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

PRETRAIL PENDING MOTIONS
UNANSWERED AND BAIL MODIFICATION
DENIED BY OPERATION OF LAW

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: SARAH MALEK

(b) At arraignment and plea: REFUSED TO FILE ANY MOTIONS
FOR DISCOVERY I FIRED HER AND

(c) At trial: FILED DISBARRMENT ACTION ON HER

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

THIS IS PRETRIAL I HAVE A
 LIBERTY INTEREST ANY DAUPHIN COUNTY
 NOT ADDRESSING MY MOTIONS FOR
 NOMINATE BAIL I FILED ANY I
 WAS DEALER APPOINTMENT TO ASSIST
 ME IN REGARDS TO MY PENDING
 TRIAL AFTER I FIRED SARAH MACAIZ
 FOR BEING IN EFFECT ABSENT
 ANY) REFUSED TO FILE DISCOVERY
 MOTIONS OR PREPARE ANY DEFENSE
 ON MY BEHALF FOR PENDING
 TRIAL.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: JUDICIAL INSTRUCTIONS
TO REQUIRE MY RELEASE ON NOMINAL
BAIL OR THROW OUT CHARGES
or any other relief to which petitioner may be entitled.

[Signature]
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this
Petition for Writ of Habeas Corpus was placed in the prison mailing system on March
4th 2024 (month, date, year).

Executed (signed) on 3/4/2024 (date). x Andre Brown
Andre Brown Living near
BY SPECIAL APPEARANCE

[Signature]
Signature of Petitioner

SUB JURIS IN PERSONAM
PERSONA

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing
this petition. _____

NAME: Andre Brown
 D.C.P. # 102615
 DAUPHIN COUNTY PRISON
 501 MALL ROAD
 HARRISBURG, PA 17111-1299

HARRISBURG PA 171

9 APR 2024 PM 2 L

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 501 MALL ROAD
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 501 MALL ROAD
 HARRISBURG, PA 17111-1299

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